

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRANK CAMP,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 10-281 Erie
v.	)	
	)	
MAXINE OVERTON, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on November 22, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 27], filed on October 11, 2011, recommended that the motion to dismiss filed by Defendant Overton [ECF No. 15] be granted as to Plaintiff's Eighth Amendment deliberate indifference claim. A retaliation claim remains pending against Defendant Overton. The parties were allowed fourteen (14) days from the date of service to file objections and no objections were filed. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 1<sup>st</sup> day of November, 2011;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Overton [ECF No. 15] is GRANTED as to Plaintiff's Eighth Amendment deliberate indifference claim. A retaliation claim remains pending against Defendant Overton.

The Report and Recommendation [ECF No. 27] of Magistrate Judge Baxter, filed on October 11, 2011 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge